

REMARKS

I. Status Of The Claims

Claims 1-45 are pending in this Application.

Claim 13 is objected to.

Claims 1, 5, 8-10, 12-17, 21, 24-26, 28-33, 37, 40, 41, and 43-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Brunheroto (U.S. Patent No. 6,643,298).

Claims 2, 18, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunheroto in view of Dillon (U.S. Patent No. 6,351,467).

Claims 3, 19, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunheroto in view of Gubbi (U.S. Patent No. 6,934,752).

Claims 4, 20, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunheroto in view of Kakizaki (U.S. Patent No. 6,229,883).

Claims 6, 7, 22, 23, 38, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunheroto in view of Allen (U.S. Patent No. 5,892,535).

Claims 11, 27, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunheroto in view of Lightfoot (U.S. Patent No. 5,583,864).

Claims 1, 14-17, 30-33, and 43-45 are independent.

With this response claim 13 is amended. No new matter has been added.

II. Objection to Claim 13

The Office Action objects to claim 13, stating “ ‘second first’ should be changed to --second--”.

With this response, the Applicant amends claim 13 in accordance with the Office

Action's suggestion. No new matter has been added.

In view of at least the foregoing, the Applicant respectfully requests that the objection be withdrawn.

III. Rejection of Independent Claims 1, 14-17, 30-33, and 43-45

The Office Action rejects independent claims 1, 14-17, 30-33, and 43-45 under 35 U.S.C. 102(e) as being anticipated by Brunheroto. However, the Applicant respectfully submits that Brunheroto appears to fail, for example, to disclose, teach, or suggest:

“... transmitting a service having a control channel over a first transport stream ... [and]

transmitting the service to the end user terminal over the second transport stream”

as set forth in each of claims 1, 14, and 15.

As another example, Brunheroto appears to fail to disclose, teach, or suggest:

“... receiving a service having a control channel over a first transport stream ... [and]

accessing the service over the second transport stream”

as set forth in claim 16 (emphasis added).

The Office Action apparently contends that such is disclosed among element 112 of Fig. 3, column 6 lines 27-44, column 3 lines 65-67, element 10 of Fig. 1, column 4 line 60 – column 5 line 5, column 6 lines 45-50, element 109 of Fig. 3, and column 7 lines 15-23 of Brunheroto.

However, the portions of Brunheroto cited by the Office Action instead appear to discuss merely multiplexing program streams onto a transport stream:

“... the content adjuster block includes an MPEG-2 transport stream (TS) PID re-mapping engine having the characteristics

and capabilities described herein including: 1) capability of performing on-the-fly PID re-mapping for a given set of program streams multiplexed into one transport stream. Note: the maximum number of program streams per transport stream defines the swap table SRAM size; and 2) capability of re-establishing the continuity (of TS header continuity_count) when switching from one program stream to another (e.g., movie.fwdarw.advertisement.fwdarw.movie)” (see Brunheroto col. 6 ln. 46-55; emphasis added).

The Applicant believes it clear, for instance, that “multiplex[ing]” “a given set of program streams ... into one transport stream” (emphasis added) is not at all like “transmitting a service ... over a first transport stream” and “transmitting the service ... over the second transport stream” as set forth in each of claims 1, 14, and 15 (emphasis added).

As an additional example, Brunheroto appears to fail to disclose, teach, or suggest:

“... a first configuration parameter of the service stored by an end user terminal ... [and]

transmitting a second configuration parameter to the end user ...”

as set forth in each of claims 1, 14, and 15 (emphasis added).

As yet another example, Brunheroto appears to fail to disclose, teach, or suggest:

“...a first configuration parameter of the service stored by the end user terminal ... [and]

receiving a second configuration parameter ...”

as set forth in claim 16 (emphasis added).

The Office Action apparently contends that Brunheroto discloses the “first configuration parameter” of the claims via element 10 of Fig. 1, and that Brunheroto discloses the “second configuration parameter” of the claims via element 20 of Fig. 1. The Applicant respectfully disagrees.

Brunheroto appears to explain elements 10 and 20 of Fig. 1 to be “look-up ‘swap’ tables” (see Brunheroto col. 3 ln. 46). However, the Applicant believes it clear, for instance, that a “look-up ‘swap’ tabl[e]” is not at all like a configuration parameter.

Moreover, Brunheroto appears to fail, for instance, to disclose, teach, or suggest these “look-up ‘swap’ tables” as being stored by an end user terminal or as being transmitted to an end user.

Instead, Brunheroto appears to merely discuss these “look-up ‘swap’ tables” as being employed in the above-discussed “multiplex[ing]” “a given set of program streams ... into one transport stream”:

“[a]s shown in FIG. 1, the original PID value (11) is used to address the first table (10). For each entry (12) in the first table (10), a correspondent region (22) is assigned in a second swap table (20) which provides the new PID value. The size of correspondent region 22 depends on the maximum number of programs that are multiplexed in one transport stream”
(see Brunheroto col. 3 ln. 60-66; emphasis added).

Turning to independent claims 17 and 30-32, the Applicant respectfully submits that Brunheroto appears to fail, for example, to disclose, teach, or suggest:

“... transmitting a service having a control channel over a first portion of a transport stream ... [and]

transmitting the service to the end user terminal over the second portion of the transport stream ...”

as set forth in each of claims 17, 30, and 31 (emphasis added).

As another example, Brunheroto appears to fail to disclose, teach, or suggest:

“... receiving a service having a control channel over a first portion of a transport stream ... [and]

accessing the service over the second portion of the transport stream ...”

as set forth in claim 32 (emphasis added).

The Office Action apparently contends that such is disclosed among element 112 of Fig. 3, column 6 lines 27-44, column 3 lines 65-67, element 10 of Fig. 1, column 4 line 60 – column 5 line 5, column 6 lines 45-50, element 109 of Fig. 3, and column 7 lines 15-23 of Brunheroto.

However, the portions of Brunheroto cited by the Office Action instead appear to discuss merely multiplexing program streams onto a transport stream:

“... the content adjuster block includes an MPEG-2 transport stream (TS) PID re-mapping engine having the characteristics and capabilities described herein including: 1) capability of performing on-the-fly PID re-mapping for a given set of program streams multiplexed into one transport stream. Note: the maximum number of program streams per transport stream defines the swap table SRAM size; and 2) capability of re-establishing the continuity (of TS header continuity_count) when switching from one program stream to another (e.g., movie.fwdarw.advertisement.fwdarw.movie)”
(see Brunheroto col. 6 ln. 46-55; emphasis added).

The Applicant believes it clear, for instance, that “multiplex[ing]” “a given set of program streams ... into one transport stream” is not at all like “transmitting a service ... over a first portion of a transport stream” and “transmitting the service ... over the second portion of the transport stream” as set forth in each of claims 17, 30, and 31 (emphasis added).

The Office Action apparently contends that Brunheroto discloses that “[s]everal programs are multiplexed onto one stream, wherein each has its own QID. Each QID corresponds to a separate program (portion)”.

However, each is such is taken to be the case for the sake of argument, such would still not still not be disclosure, teaching, or suggestion, for instance, of “transmitting a service ... over a first portion of a transport stream” and “transmitting the service ... over the second portion of the transport stream” as set forth in each of claims 17, 30, and 31 (emphasis

added), or “receiving a service ... over a first portion of a transport stream” and “accessing the service over the second portion of the transport stream” as set forth in claim 32 (emphasis added).

As an additional example, Brunheroto appears to fail to disclose, teach, or suggest:

“... a first configuration parameter of the service stored by an end user terminal ... [and]
transmitting a second configuration parameter to the end user ...”

as set forth in each of claims 17 and 30 (emphasis added).

As yet another example, Brunheroto appears to fail to disclose, teach, or suggest:

“... a first configuration parameter of the service stored by an end user terminal ... [and]
a processor in communication with the transmitter for generating a second configuration parameter to the end user ...”

as set forth in claim 31 (emphasis added).

As a further example, Brunheroto appears to fail to disclose, teach, or suggest:

“... a first configuration parameter of the service stored by the end user terminal ... [and]
receiving a second configuration parameter ...”

as set forth in claim 32 (emphasis added).

The Office Action apparently contends that Brunheroto discloses the “first configuration parameter” of the claims via element 10 of Fig. 1, and that Brunheroto discloses the “second configuration parameter” of the claims via element 20 of Fig. 1. The Applicant respectfully disagrees.

As noted above, Brunheroto appears to explain elements 10 and 20 of Fig. 1 to be

“look-up ‘swap’ tables” (see Brunheroto col. 3 ln. 46). However, the Applicant believes it clear, for instance, that a “look-up ‘swap’ tabl[e]” is not at all like a configuration parameter.

Moreover, Brunheroto appears to fail, for instance, to disclose, teach, or suggest, for instance, these “look-up ‘swap’ tables” as being stored by an end user terminal or as being transmitted to an end user.

Instead, as discussed above, Brunheroto appears to merely discuss these “look-up ‘swap’ tables” as being employed in the above-discussed “multiplex[ing]” “a given set of program streams ... into one transport stream”:

“[a]s shown in FIG. 1, the original PID value (11) is used to address the first table (10). For each entry (12) in the first table (10), a correspondent region (22) is assigned in a second swap table (20) which provides the new PID value. The size of correspondent region 22 depends on the maximum number of programs that are multiplexed in one transport stream”
(see Brunheroto col. 3 ln. 60-66; emphasis added).

Turning to independent claims 33, 43, and 44, the Applicant respectfully submits that Brunheroto appears to fail, for example, to disclose, teach, or suggest:

“... transmitting the at least one configuration parameter to an end user terminal; and

transmitting the service including the control channel over the first transport stream, whereby the end user terminal accesses the service by reading the at least one configuration parameter ...”

as set forth in claim 33 (emphasis added), and as similarly set forth in each of claims 43 and 44.

The Office Action apparently contends that such is disclosed among column 6 lines 28-40, element 109 of Fig. 3, and element 10 of Fig. 1, with the Office Action contending Brunheroto to disclose the “at least one configuration parameter” via element 10.

As noted above, Brunheroto appears to explain element 10 to be a “look-up

‘swap’ tabl[e]”. The Applicant believes it clear that a “look-up ‘swap’ tabl[e]” is not at all like a configuration parameter.

Moreover, Brunheroto appears to fail to disclose, teach, or suggest, for instance, that this “look-up ‘swap’ tabl[e]” is transmitted to an end user terminal, or that an end user terminal accesses a service by reading this “look-up ‘swap’ tabl[e]”.

Instead, as noted above, Brunheroto appears to merely discuss these “look-up ‘swap’ tables” as being employed in the above-discussed “multiplex[ing]” “a given set of program streams ... into one transport stream”:

“[a]s shown in FIG. 1, the original PID value (11) is used to address the first table (10). For each entry (12) in the first table (10), a correspondent region (22) is assigned in a second swap table (20) which provides the new PID value. The size of correspondent region 22 depends on the maximum number of programs that are multiplexed in one transport stream”
(see Brunheroto col. 3 ln. 60-66; emphasis added).

Turning to independent claim 45, the Applicant respectfully submits that Brunheroto appears to fail, for example, to disclose, teach, or suggest:

“... selecting a control channel from the network corresponding to the packet identifier ...”

as set forth in claim 45 (emphasis added).

The Office Action apparently contends that such is disclosed among column 3 lines 48-67 of Brunheroto, with the Office action contending Brunheroto to disclose the “control channel” of the claim via “an associated stream identifier referred to herein as a queue ID (QID)” (see Brunheroto col. 3 ln. 66-67).

The Applicant believes it clear, for instance, that a “stream identifier” (emphasis added) is not at all like a control channel. Moreover, Brunheroto appears to fail to disclose,

teach, or suggest any selection of this “stream identifier”. Brunheroto appears to fail, for example, to disclose, teach, or suggest selecting this “stream identifier” from a network corresponding to a packet identifier.

As another example, Brunheroto appears to fail to disclose, teach, or suggest:

“... generating an appropriate interface using the at least one configuration parameter ...”

as set forth in claim 45.

The Office Action apparently contends that such is disclosed among element 10 of Fig. 1, column 3 lines 60-67, and column 7 lines 15-23 of Brunheroto, the Office Action contending that “[w]hen the user selects a program, the system looks up, selects, and then displays the item referring to the table” (see Office Action pp. 8-9). The Applicant respectfully disagrees.

The Applicant notes, for example, that as discussed above Brunheroto appears to explain element 10 to be a “look-up ‘swap’ tabl[e]”. Brunheroto appears to fail, for instance, to disclose, teach, or suggest that “[w]hen the user selects a program, the system looks up, selects, and then displays the item referring to the table” as apparently suggested by the Office Action (emphasis added).

Instead, the portions of Brunheroto cited by the Office Action appear to merely discuss this “look-up ‘swap’ tabl[e]” as being employed in the above-discussed “multiplex[ing]” “a given set of program streams ... into one transport stream”:

“[a]s shown in FIG. 1, the original PID value (11) is used to address the first table (10). For each entry (12) in the first table (10), a correspondent region (22) is assigned in a second swap table (20) which provides the new PID value. The size of correspondent region 22 depends on the maximum number of programs that are multiplexed in one transport stream”
(see Brunheroto col. 3 ln. 60-66; emphasis added).

In view of at least the foregoing, the Applicant respectfully submits that claims 1, 14-17, 30-33, and 43-45, as well as those claims that depend therefrom, are in condition for allowance.

IV. Dependent Claim Rejections

The Applicant does not believe it is necessary at this time to further address the rejections of the dependent claims as the Applicant believes that the foregoing places the independent claims in condition for allowance. The Applicant, however, reserves the right to further address those rejections in the future should such a response be deemed necessary and appropriate.

(Continued on next page)

CONCLUSION

The Applicant respectfully submits that this Application is in condition for allowance for which action is earnestly solicited.

If a telephone conference would facilitate prosecution of this Application in any way, the Examiner is invited to contact the undersigned at the number provided.

AUTHORIZATION

The Commissioner is hereby authorized to charge any fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4208-4060. **A DUPLICATE OF THIS DOCUMENT IS ATTACHED.**

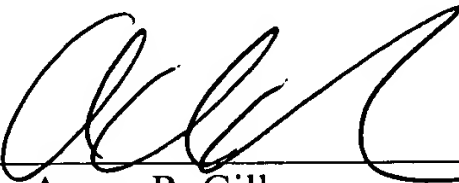
Furthermore, in the event that a further extension of time is required, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-noted Deposit Account and Order No.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: May 1, 2006

By:



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